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OCT 5 1990

Federal Communications Commission
Office of the Secretary

VIA HAND DELIVERY

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

RE: Ammerman Enterprises, Inc.
KXGJ (FM)
BPH-880523ME
Bay City, Texas

Dear Sir or Madam:

On behalf of Ammerman Enterprises, Inc., permittee of new commercial FM station KXGJ in Bay City, Texas, I am transmitting herewith an original and four copies of a Petition for Rule Making proposing a change in the FM Table of Allotments and a modification of the above-referenced construction permit.

Should there be any questions concerning this matter, please contact the undersigned.

Sincerely,

Dennis P. Corbett

Dennis P. Corbett

DPC/kkj
JBG/836
Enclosures

No. of Copies rec'd 0+4
List A B C D E

BEFORE THE

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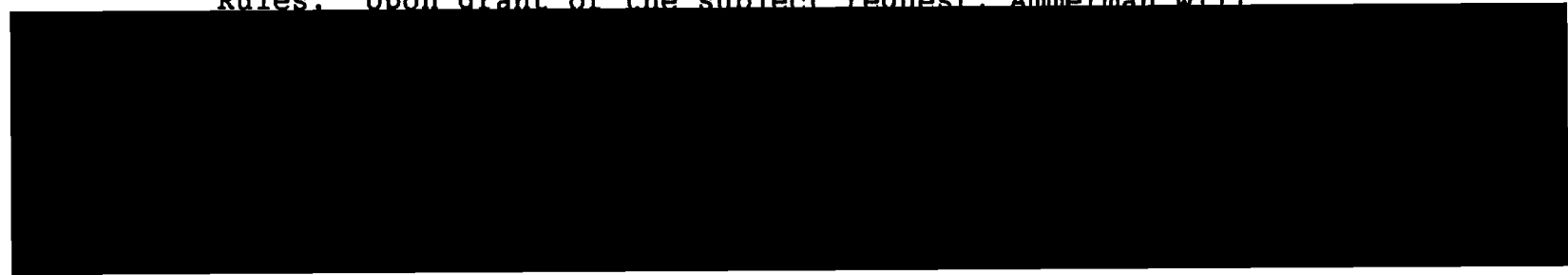
Federal Communications Commission
Office of the Secretary

Ammerman Enterprises, Inc. ("Ammerman"), permittee of new commercial FM station KXGJ, Bay City, Texas, by its attorneys and pursuant to Sections 1.401 and 1.420 of the Commission's Rules, hereby respectfully requests the Commission to amend Section 73.202(b) of the Commission's Rules, FM Table of Allotments, so as to allot Channel 241C1 to Bay City, Texas and to modify Ammerman's permit to specify operation on Channel 241C1. In the alternative, should the Commission allot Channel 269C2 to Bay City as part of its pending MM Docket No. 90-90, Ammerman requests that the Commission amend its FM Table of Allotments in that event so as to allot Channel 269C1 to Bay City, Texas and modify Ammerman's permit to specify operation on Channel 269C1. In support whereof, the following is shown.

Ammerman's permit currently specifies operation on Channel 241C2. However, in MM Docket No. 90-90, the Commission is currently considering amending Section 73.202 of the Commission's Rules to substitute Channel 269C2 for Channel 241C2 at Bay City, Texas.

As demonstrated in Attachment A hereto, the Engineering Statement of F.W. Hannel, Channel 241C1 or, should Channel 269C2 be allotted to Bay City, Channel 269C1, can be allotted to Bay City in compliance with the Commission's minimum distance separation and city grade coverage requirements.

Allotment of Channel 241C1 or of Channel 269C1 to Bay City as proposed herein and modification of Ammerman's construction permit will allow Ammerman to expand the coverage of its facility, thereby improving service to the public. Such allotment will also promote spectrum efficiency. The Commission has determined that expanded service and spectrum efficiency provide significant public interest benefits. See Report and Order in MM Docket No. 85-313, 60 R.R.d 114, 119 (1986). Thus, Ammerman's requested amendment would serve the public interest. Furthermore, as Channel 241C1 and Channel 269C1 would not otherwise be available, Ammerman's construction permit may be modified to specify operation on the higher class channel, pursuant to Section 1.420(g) of the Commission's Rules. Upon grant of the subject request, Ammerman will



For the foregoing reasons, Ammerman respectfully requests the Commission to make the following change in its FM Table of Allotments:

<u>Community</u>	<u>Add</u>	<u>Delete</u>
Bay City, Texas	241C1	241C2

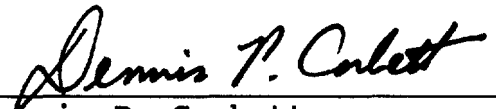
Ammerman further requests the Commission to modify Ammerman's construction permit to specify operation on Channel 241C1 in lieu of Channel 241C2.

Ammerman also requests that the Commission's Notice of Proposed Rule Making in this proceeding make clear that, should the Commission allot Channel 269C2 to Bay City as part of its pending MM Docket 90-90, the Commission proposes to make the following change in its FM Table of Allotments:

<u>Community</u>	<u>Add</u>	<u>Delete</u>
Bay City, Texas	269C1	269C2

Ammerman further requests the Commission to modify Ammerman's construction permit in that event to specify operation on Channel 269C1 in lieu of Channel 269C2.

Respectfully submitted,
AMMERMAN ENTERPRISES, INC.

By 
Dennis P. Corbett
John B. Glicksman

Leventhal, Senter & Lerman
2000 K Street, N.W.
Suite 600
Washington, D.C. 20006
(202) 429-8970

Its Attorneys

October 5, 1990

JBG/811

Attachment A

Ammerman Enterprises, Inc.
4800 Sugarloaf Road
Stafford, Texas 77477

PETITION FOR RULEMAKING
FM Channel 241C1
Bay City, Texas
September 1990

STATE OF ILLINOIS
COUNTY OF PEORIA

}
}
} SS:

F. W. Hannel, after being duly sworn upon oath, deposes and states:


He is a registered Professional Engineer, by examination, in the State of Illinois;

He is a graduate Electrical Engineer, holding Bachelor of Science and Master of Science degrees, both in Electrical Engineering;

His qualifications are a matter of public record and have been accepted in prior filings and appearances requiring scrutiny of his professional qualifications;

The attached Engineering Report was prepared by him personally or under his supervision and direction and;

The facts stated herein are true, correct, and complete to the best of his knowledge and belief.


F. W. Hannel, P.E.

F. W. Hannel, PE
911 Edward Street
Henry, Illinois 61537
(309) 364-3903

September 19, 1990.

Ammerman Enterprises, Inc.
4800 Sugarloaf Road
Stafford, Texas 77477

PETITION FOR RULEMAKING
FM Channel 241C1
Bay City, Texas
September 1990

ENGINEERING STATEMENT

This firm has been retained by Ammerman Enterprises, Inc., permittee of a new facility to be operated on FM Channel 241C2 at Bay City, Texas, to prepare this engineering statement in support of its petition to to amend the FM Table of Allotments to assign a Class C1 channel to Bay City, Texas.

Ammerman Enterprises, Inc. is the holder of a Construction Permit, *File Number BPH-880523ME*, which authorizes the construction of a new facility at Bay City, Texas, to be operated on FM Channel 241C2. It is seeking to have that authorization modified to specify operation on FM Chanel 241C1 through an appropriate amendment to the FM Table of Allotments. In another proceeding, *MM Docket 90-90*, the Commission has proposed the substitution of FM Channel 269C2 for the presently assigned FM Channel 241C2, and in the event that proposal is eventually adopted, Ammerman Enterprises, Inc., requests that it also be upgraded to a Class C1 channel, and that the present Construction Permit be amended accordingly.

The community of Bay City, Texas, has a 1980 U.S. Census population of 17,837 persons. The city is located in Matagorda County, which has a 1980 U.S. Census population of 37,828 persons. The community is presently served by one other FM station which is operating on FM Channel 273C2, and that licensee has proposed that its channel be upgraded to FM Chanel 273C1 through an appropriate amendment to the FM Table of Allotments. The

upgraded channel proposed by Ammerman Enterprises, Inc., will provide the community with an additional wide coverage area FM facility.

Attached as Exhibit E-1 is a channel study conducted on FM Channel 241C1 at a reference transmitter site located at N28-44-24, W96-04-08. This reference site is located 17.7 miles southwest of the community of Bay City, Texas, (U.S. Atlas co-ordinates N28-58-54, W95-58-72), and a transmitter operating from this sample site fully satisfies the mileage separation and city grade illumination requirements of the Rules.

Attached as Exhibit E-2 is a channel study conducted on FM Channel 269C1 at the same reference transmitter site as utilized in the study labeled as Exhibit E-1. Similarly, this site satisfies all of the mileage separation and city grade illumination requirements of the Rules if the Commission were to eventually assign FM Channel 269C2 to Bay City in connection with *Docket 90-90*.

Regardless of the eventual channel that remains at Bay City, the assignment of a co-channel upgrade on either FM Channel 241C1 or FM Channel 269C1 can be made in full compliance with all of the Commissions Rules. Ammerman Enterprises, Inc., requests that a Notice of Proposed Rulemaking be issued proposing that the upgraded FM Channel 241C1 or FM Channel 269C1 be assigned to Bay City, Texas, and that its Construction Permit be modified to specify construction on the upgraded channel.

Ammerman Enterprises, Inc.
4800 Sugarloaf Road
Stafford, Texas 77477

PETITION FOR RULEMAKING
FM Channel 241C1
Bay City, Texas
September 1990

FM Channel 241C1
N28-44-24 W96-04-08
Bay City, Texas
Exhibit E-1

CALL	CITY	ST	CHN	CL	S	DIST	SEPN	BRNG	CLEARANCE
KIKKFM	Houston	TX	239	C	L	66.7	65.2	30.4°	1.5
ALC	Edna	TX	241	A	A	38.7	124.3	295.1°	-85.6
KSAQ	San Antonio	TX	241	C1	C	166.6	152.2	291.7°	14.3
KYKZ	Lake Charles	LA	241	C	C	184.2	167.8	54.6°	16.5
ALC	Bay City	TX	241	C2	U	11.0	139.2	310.3°	-128.2
NEW	Bay City	TX	241	C2	C	11.0	139.2	310.3°	-128.2
ALC	Madisonville	TX	241	C2	U	150.6	139.2	359.7°	11.4
KAGG	Madisonville	TX	241	C2	C	141.9	139.2	358.8°	2.7
KSAQ	San Antonio	TX	241	C1	L	166.6	152.2	291.7°	14.3
ALC	Bay City	TX	241	C2	D	11.0	139.2	310.3°	-128.2
KNRJ	Houston	TX	243	C	L	66.7	65.2	30.4°	1.5

All Distances in Miles

Ammerman Enterprises, Inc.
4800 Sugarloaf Road
Stafford, Texas 77477

PETITION FOR RULEMAKING
FM Channel 241C1
Bay City, Texas
September 1990

FM Channel 269C1
N28-44-24 W96-04-08
Bay City, Texas
Exhibit E-2

CALL	CITY	ST	CHN	CL	S	DIST	SEPN	BRNG	CLEARANCE
KLOL	Houston	TX	266	C	L	66.7	65.2	30.4°	1.5
ALC	Crystal Beach	TX	268	C3	A	108.3	89.5	60.8°	18.8
ALC	Gilchrist	TX	268	C3	A	109.7	89.5	60.9°	20.2
KOKE	Giddings	TX	268	C2	C	111.2	98.2	322.2°	13.0
KOKE	Giddings	TX	268	C2	D	111.2	98.2	322.2°	13.0
ALC	Giddings	TX	268	C2	U	97.9	98.2	327.5°	-0.3
KOKE	Giddings	TX	268	C1	A	111.3	110.0	316.7°	1.3
ALC	Edna	TX	269	A	D	38.7	124.3	295.1°	-85.6
ALC	Bay City	TX	269	C2	A	11.0	139.2	310.3°	-128.2
ALC	Edna	TX	269	A	D	38.7	124.3	295.1°	-85.6
NEW	Edna	TX	269	A	A	43.5	124.3	287.2°	-80.8
ALC	Edna	TX	269	A	V	38.7	124.3	295.1°	-85.6
KOKE	Giddings	TX	269	A	L	109.4	124.3	333.8°	-14.9
KHUN	Huntsville	TX	269	A	L	138.3	124.3	13.0°	14.0
KWDX	Silsbee	TX	269	A	L	156.8	124.3	45.0°	32.5
KMJQ	Houston	TX	271	C	L	67.1	65.2	31.2°	1.9
KPCB	Rockport	TX	272	A	L	79.7	46.6	230.3°	33.1
KYOC	Yoakum	TX	272	A	L	80.4	46.6	300.3°	33.8

All Distances in Miles

CERTIFICATE OF SERVICE

I, Kaigh K. Johnson, do hereby certify that a copy of the foregoing "Petition For Rule Making" was mailed, United States first-class postage prepaid, this 5th day of October, 1990 to the following:

Robert M. Mason
1943 Greenvew
Northbrook, IL 60062
(Applicant for Channel 269A,
Edna, Texas, File No. BPH-890111MF)

Aaron Shainis, Esq.
Baraff, Koerner, Olender & Hochberg, P.C.
2033 M Street, N.W.,
Suite 700
Washington, D.C. 20036
(Counsel for Robert M. Mason)


Kaigh K. Johnson
Kaigh K. Johnson